

PATENT COOPERATION TREATY

04-92-2004

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

To:
FENSTER & COMPANY
INTELLECTUAL PROPERTY 2002 LTD.
Attn. Fenster, Paul
P.O.Box 10256
IL-49002 Petach Tikva
ISRAEL

Date of mailing
(day/month/year) 29/01/2004

Applicant's or agent's file reference
227/03621

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/IL 03/00533

International filing date
(day/month/year) 25/06/2003


Applicant
GLUCON INC.

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.
Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 48):
When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.
Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35
For more detailed instructions, see the notes on the accompanying sheet.
2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

<p>Name and mailing address of the International Searching Authority</p> <p> European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016</p>	<p>Authorized officer</p> <p>Hans Pettersson</p>
---	--

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 227/03621	FOR FURTHER ACTION		see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/IL 03/00533	International filing date (day/month/year) 25/06/2003	(Earliest) Priority Date (day/month/year) 25/06/2002	
Applicant GLUCON INC.			

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☒ Unity of invention is lacking (see Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1b

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/IL 03/00533

Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

see additional sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☒ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1-5

A photoacoustic tissue monitor determining locations of sources of the photoacoustic waves within the tissue

2. Claims: 6-11

A photoacoustic tissue monitor determining the concentration of at least one analyte

3. Claims: 12-18, 19-24

A tissue monitor comprising a heat pump and means for non-invasively determining the temperature of the tissue

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/IL 03/00533

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61B5/00 G01N29/24 G01N21/17 G01K11/22

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61B G01N G01K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

WPI Data, EPO-Internal, PAJ, INSPEC

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02 15776 A (BEN AMI UDI ;NAGAR RON (IL); PESACH BENNY (IL); GLUCON INC (US)) 28 February 2002 (2002-02-28) cited in the application page 17, line 6 -page 19, line 2 page 33, line 3 -page 34, line 13 figures 1,6	1-5
X	US 5 840 023 A (ESENALIEV RINAT O ET AL) 24 November 1998 (1998-11-24) abstract column 1, line 44 -column 2, line 49 column 4, line 26 - line 34	1-5
X	US 5 713 356 A (KRUGER ROBERT A) 3 February 1998 (1998-02-03) abstract	1-5

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Date of the actual completion of the international search

15 January 2004

Date of mailing of the international search report

29. 01. 2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Abraham, V

INTERNATIONAL SEARCH REPORT

Intern. Application No

PCT/IL 03/00533

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4 385 634 A (BOWEN THEODORE) 31 May 1983 (1983-05-31) abstract	1-5
X	US 5 348 002 A (CARO RICHARD G) 20 September 1994 (1994-09-20) column 5, line 42 - line 65 column 6, line 18 - line 30	1,6-11
X	US 6 309 352 B1 (ESENALIEV RINAT O ET AL) 30 October 2001 (2001-10-30) column 1, line 49 - line 67 column 3, line 8 - column 4, line 49 claim 12 figures 2,3,8	1,17,18
X	US 6 277 082 B1 (GAMBALE RICHARD A) 21 August 2001 (2001-08-21) cited in the application column 2, line 42 - column 4, line 23	19
X	WO 00 62659 A (SNOW BRENT W ; CARTWRIGHT PATRICK C (US); MANSFIELD JOHN T (US)) 26 October 2000 (2000-10-26)	19-21
Y	page 5, line 23 - page 7, line 19	1,12-16, 22-24
Y	LARIN K ET AL: "MONITORING OF TEMPERATURE DISTRIBUTION IN TISSUES WITH OPTOACOUSTIC TECHNIQUE IN REAL TIME" PROCEEDINGS OF THE SPIE, SPIE, BELLINGHAM, VA, US, vol. 3916, 25 January 2000 (2000-01-25), pages 311-321, XP008008329 ISSN: 0277-786X abstract	1,12-16, 22
Y	SEIP R ET AL: "NONINVASIVE ESTIMATION OF TISSUE TEMPERATURE RESPONSE TO HEATING FIELDS USING DIAGNOSTIC ULTRASOUND" IEEE TRANSACTIONS ON BIOMEDICAL ENGINEERING, IEEE INC. NEW YORK, US, vol. 42, no. 8, 1 August 1995 (1995-08-01), pages 828-839, XP000556811 ISSN: 0018-9294 cited in the application abstract	23,24
A	US 4 807 633 A (FRY FRANCIS J) 28 February 1989 (1989-02-28) abstract	19

INTERNATIONAL SEARCH REPORT

Information on patent family members

Intern. Application No

PCT/IL 03/00533

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0215776	A	28-02-2002	AU 8006601 A EP 1313396 A1 WO 0215776 A1 US 2003167002 A1	04-03-2002 28-05-2003 28-02-2002 04-09-2003
US 5840023	A	24-11-1998	AU 732799 B2 AU 1857097 A CA 2244732 A1 EP 0920277 A1 JP 11514549 T WO 9727801 A1 US 6309352 B1 US 6405069 B1	03-05-2001 22-08-1997 07-08-1997 09-06-1999 14-12-1999 07-08-1997 30-10-2001 11-06-2002
US 5713356	A	03-02-1998	AU 725072 B2 AU 4606697 A BR 9712262 A CA 2187701 A1 EP 0942683 A1 JP 2001507952 T US 6102857 A WO 9814118 A1 US 6292682 B1 US 2002035327 A1	05-10-2000 24-04-1998 25-01-2000 04-04-1998 22-09-1999 19-06-2001 15-08-2000 09-04-1998 18-09-2001 21-03-2002
US 4385634	A	31-05-1983	CA 1164085 A1 EP 0077379 A1 WO 8203546 A1	20-03-1984 27-04-1983 28-10-1982
US 5348002	A	20-09-1994	AU 4032193 A WO 9322649 A2	29-11-1993 11-11-1993
US 6309352	B1	30-10-2001	US 5840023 A WO 0024315 A1 US 6405069 B1 AU 732799 B2 AU 1857097 A CA 2244732 A1 EP 0920277 A1 JP 11514549 T WO 9727801 A1	24-11-1998 04-05-2000 11-06-2002 03-05-2001 22-08-1997 07-08-1997 09-06-1999 14-12-1999 07-08-1997
US 6277082	B1	21-08-2001	EP 1213992 A1 JP 2003505131 T WO 0106919 A1	19-06-2002 12-02-2003 01-02-2001
WO 0062659	A	26-10-2000	AU 4353400 A WO 0062659 A1	02-11-2000 26-10-2000
US 4807633	A	28-02-1989	NONE	

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.